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1 7.52 (3) (a) The board of absentee ballot canvassers shall first open the carrier
2 envelope only, and, in such a manner that a member of the public, if he or she desired,
3 could hear, announce the name of the absent elector or the identification serial
4 number of the absent elector if the elector has a confidential listing under s. 6.47 (2).
5 When the board of absentee ballot canvassers finds that the certification has been
6 properly executed and the applicant is a qualified elector of the ward or election
7 district, the board of absentee ballot canvassers shall enter an indication on the poll
8 list next to the applicant's name indicating an absentee ballot is cast by the elector.
9 The board of absentee ballot canvassers shall then open the envelope containing the
10 ballot in a manner so as not to deface or destroy the certification thereon. The board
11 of absentee ballot canvassers shall take out the ballot without unfolding it or
12 permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the
13 board of absentee ballot canvassers shall verify that the ballot has been endorsed by
14 the issuing clerk. If the poll list indicates that proof of residence is required and no
15 proof of residence is enclosed or the name or address on the document that is provided
16 is not the same as the name and address shown on the poll list, or if the elector is not
17 a military elector or an overseas elector, as defined in s. 6.34 (1), and the elector is
18 required to provide ^{or to provide} a copy of a license or identification card, or identification
certificate under s. 6.86 (1) (a) ^{or 6.87 (4) (b) 1.} and no copy of the license or identification card, or
19 identification certificate is enclosed or the name on the document cannot be verified
20 by the canvassers, the board of absentee ballot canvassers shall proceed as provided
21 under s. 6.97 (2). The board of absentee ballot canvassers shall mark the poll list
22 number of each elector who casts an absentee ballot on the back of the elector's ballot.
23 The board of absentee ballot canvassers shall then deposit the ballot into the proper
24

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1 ballot box and enter the absent elector's name or poll list number after his or her
2 name on the poll list.

3 **SECTION 81.** 10.02 (3) (form) (a) of the statutes is amended to read:

4 10.02 (3) (form) (a) Upon entering the polling place and before being permitted
5 to vote, an elector shall state his or her name and address. If an elector is not
6 registered to vote, an elector may register to vote at the polling place serving his or
7 her residence if the elector ~~provides proof of residence or the elector's registration is~~
8 ~~verified by another elector of the same municipality where the elector resides~~
9 presents a valid Wisconsin operator's license, a valid, current identification card
10 issued to the elector by a U.S. uniformed service, or a valid Wisconsin identification
11 card unless the elector is exempted from this requirement, and, if the document
12 presented does not constitute proof of residence, if the elector provides proof of
13 residence. Where ballots are distributed to electors, the initials of 2 inspectors must
14 appear on the ballot. Upon being permitted to vote, the elector shall retire alone to
15 a voting booth or machine and cast his or her ballot, except that an elector who is a
16 parent or guardian may be accompanied by the elector's minor child or minor ward.
17 An election official may inform the elector of the proper manner for casting a vote,
18 but the official may not in any manner advise or indicate a particular voting choice.

19 **SECTION 82.** 10.02 (3) (form) (a) of the statutes, as affected by ²⁰⁰⁹~~2007~~ Wisconsin
20 Act (this act), is amended to read:

21 10.02 (3) (form) (a) Upon entering the polling place and before being permitted
22 to vote, an elector shall state his or her name and address. If an elector is not
23 registered to vote, an elector may register to vote at the polling place serving his or
24 her residence if the elector presents a valid Wisconsin operator's license, a valid,
25 current identification card issued to the elector by a U.S. uniformed service, or a valid

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1 Wisconsin identification card, or a valid Wisconsin identification certificate unless
2 the elector is exempted from this requirement, and, if the document presented does
3 not constitute proof of residence, if the elector provides proof of residence. Where
4 ballots are distributed to electors, the initials of 2 inspectors must appear on the
5 ballot. Upon being permitted to vote, the elector shall retire alone to a voting booth
6 or machine and cast his or her ballot, except that an elector who is a parent or
7 guardian may be accompanied by the elector's minor child or minor ward. An
8 election official may inform the elector of the proper manner for casting a vote, but
9 the official may not in any manner advise or indicate a particular voting choice.

10 **SECTION 83.** 12.13 (2) (b) 6m. of the statutes is amended to read:

11 12.13 (2) (b) 6m. Obtain an absentee ballot for voting in a nursing home or
12 qualified retirement home ~~or~~, qualified community-based residential facility,
13 qualified residential care apartment complex, or qualified adult family home under
14 s. 6.875 (6) and fail to return the ballot to the issuing officer.

15 **SECTION 84.** 12.13 (3) (v) of the statutes is repealed. ✕

16 **SECTION 85.** 85.103 (2) of the statutes is amended to read:

17 85.103 (2) The department shall include on any form for application for original
18 registration under s. 341.08, for application for renewal of registration under s.
19 341.08, for application for a certificate of title under s. 342.06, for application for a
20 license or identification card or renewal of a license or identification card under s.
21 343.14, for application for an identification certificate or renewal of an identification
22 certificate under s. 343.505 (2). ✓ and for application for a special identification card
23 under s. 343.51, a place for the individual to designate that the individual's personal
24 identifiers may not be disclosed in information compiled or maintained by the
25 department that contains the personal identifiers of 10 or more individuals, a

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1 statement indicating the effect of making such a designation and a place for an
2 applicant or registrant who has made a designation under this subsection or sub. (3)
3 to reverse the designation.

4 **SECTION 86.** 125.085 (1) of the statutes is amended to read:

5 125.085 (1) DEFINITION. In this section, "official identification card" means a
6 valid operator's license issued under ch. 343 that contains the photograph of the
7 holder, an identification card issued under s. 343.50, an identification certificate
8 issued under s. 343.505, or an identification card issued under s. 125.08, 1987 stats.

9 **SECTION 87.** 134.71 (8) (a) 2. of the statutes is amended to read:

10 134.71 (8) (a) 2. A state identification card or identification certificate.

11 **SECTION 88.** 139.30 (4n) of the statutes is amended to read:

12 139.30 (4n) "Government issued identification" includes a valid driver's
13 license, state identification card or identification certificate, passport, or military
14 identification.

15 **SECTION 89.** 343.19 (title) of the statutes is amended to read:

16 **343.19 (title) Duplicate licenses or identification cards or certificates.**

17 **SECTION 90.** 343.19 (1) of the statutes, as affected by 2007 Wisconsin Act 20, ✓
18 is repealed and recreated to read:

19 343.19 (1) If a license issued under this chapter, an identification card issued
20 under s. 343.50, or an identification certificate issued under s. 343.505 is lost or
21 destroyed or the name or address named in the license, identification card, or
22 identification certificate is changed or the condition specified in s. 343.17 (3) (a) 12.
23 or 13. or s. 343.505 (3) (b) 9. no longer applies, the person to whom the license,
24 identification card, or identification certificate was issued may obtain a duplicate
25 thereof or substitute therefor upon furnishing proof satisfactory to the department

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1 of full legal name and date of birth and that the license, identification card, or
2 identification certificate has been lost or destroyed or that application for a duplicate
3 license, identification card, or identification certificate is being made for a change of
4 address or name or because the condition specified in s. 343.17 (3) (a) 12. or 13. or s.
5 343.505 (3) (b) 9. no longer applies. If the applicant is a male who is at least 18 years
6 of age but less than 26 years of age and is applying for a duplicate license or
7 identification card, the application shall include the information required under s.
8 343.14 (2) (em). If the original license, identification card, or identification certificate
9 is found it shall immediately be transmitted to the department.

10 **SECTION 91.** 343.19 (2) (intro.) of the statutes is amended to read:

11 343.19 (2) (intro.) No person may knowingly make a false statement or fail to
12 return the original license ~~or~~ identification card, or identification certificate to the
13 department upon finding it or fail to comply with any other requirement of this
14 section relating to an application for any of the following:

15 **SECTION 92.** 343.19 (2) (c) of the statutes is created to read: x

16 343.19 (2) (c) A duplicate identification certificate. ✓

17 **SECTION 93.** 343.22 (2) of the statutes, as affected by 2007 Wisconsin Act 20,
18 is repealed and recreated to read:

19 343.22 (2) Whenever any person, after applying for or receiving a license under
20 this chapter, an identification card under s. 343.50, or an identification certificate
21 under s. 343.505, moves from the address named in the application or in the license,
22 identification card, or identification certificate issued to him or her or is notified by
23 the local authorities or by the postal authorities that the address so named has been
24 changed, the person shall, within 30 days thereafter, do one of the following:

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1 (a) Apply for a duplicate license, identification card, or identification certificate
2 showing on the application the correct full legal name and address. The licensee,
3 identification card holder, or identification certificate holder shall return the current
4 license, identification card, or identification certificate to the department along with
5 the application for duplicate.

6 (b) In lieu of applying for a duplicate license, identification card, or
7 identification certificate, notify the department in writing of his or her change of
8 address. This paragraph does not apply to persons issued a commercial driver
9 license.

10 **SECTION 94.** 343.22 (2m) of the statutes, as affected by 2007 Wisconsin Act 20,
11 section 3274, is repealed and recreated to read: ✓

12 343.22 (2m) Whenever any person, after applying for or receiving a license
13 under this chapter, an identification card under s. 343.50, or an identification
14 certificate under s. 343.505, is notified by the local authorities or by the postal
15 authorities that the address named in the application or in the license, identification
16 card, or identification certificate issued to him or her has been changed and the
17 person applies for a duplicate license, identification card, or identification certificate
18 under sub. (2), no fees shall be charged under s. 343.21 (1) (L) and (n), 343.50 (5m)
19 and (7), or s. 343.505 (4) (a) 2. for the duplicate license, identification card, or
20 identification certificate.

21 **SECTION 95.** 343.22 (3) of the statutes, as affected by 2007 Wisconsin Act 20,
22 section 3276, is repealed and recreated to read: ✓

23 343.22 (3) When the name of a licensee, identification card holder, or
24 identification certificate holder is changed, such person shall, within 30 days
25 thereafter, apply for a duplicate license, identification card, or identification

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1 certificate showing the correct full legal name and address. The licensee,
2 identification card holder, or identification certificate holder shall return the current
3 license, identification card, or identification certificate to the department along with
4 the application for a duplicate. If the licensee holds more than one type of license
5 under this chapter, the licensee shall return all such licenses to the department along
6 with one application and fees for a duplicate license for which the licensee may be
7 issued a duplicate of each such license.

8 **SECTION 96.** 343.235 (title) of the statutes is amended to read:

9 **343.235 (title) Access to license and identification card and certificate**
10 **records.**

11 **SECTION 97.** 343.237 (title) of the statutes is amended to read:

12 **343.237 (title) Access to license and identification card and certificate**
13 **photographs and fingerprints.**

14 **SECTION 98.** 343.237 (2) of the statutes, as affected by 2007 Wisconsin Act 20,
15 is repealed and recreated to read:

16 **343.237 (2)** Any photograph taken of an applicant under s. 343.14 (3), 343.50
17 (4), or 343.505 (2) (b), and any fingerprint taken of an applicant under s. 343.12 (6)
18 (b), may be maintained by the department and, except as provided in this section,

19 shall be kept confidential. Except as provided in this section, the department may
20 release a photograph or fingerprint only to the person whose photograph or
21 fingerprint was taken or to the driver licensing agency of another jurisdiction.

22 **SECTION 99.** 343.237 (3) (intro.) of the statutes, as affected by 2007 Wisconsin
23 Act 20, is repealed and recreated to read:

24 **343.237 (3) (intro.)** The department shall provide a Wisconsin law enforcement
25 agency or a federal law enforcement agency with a print or electronic copy of a

644/ 2009 Wisconsin Act 167, section 3

2007 Wisconsin Act 20

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and s. 165.8287

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1 photograph taken on or after September 1, 1997, of an applicant under s. 343.14 (3),
2 343.50 (4), or 343.505 (2) (b), or a printed or electronic copy of a fingerprint taken of
3 an applicant under s. 343.12 (6) (b), if the department receives a written request on
4 the law enforcement agency's letterhead that contains all of the following:

5 **SECTION 100.** 343.237 (6) of the statutes is amended to read:

6 343.237 (6) For each copy of a photograph or fingerprint provided under sub.
7 (3) or (4), the department shall record and maintain the written request for the copy
8 of the photograph or fingerprint and may not disclose any record or other information
9 concerning or relating to the written request to any person other than a court, district
10 attorney, county corporation counsel, city, village, or town attorney, law enforcement
11 agency, driver licensing agency of another jurisdiction, the applicant or identification
12 card or identification certificate holder or, if the applicant or identification card
13 holder is under 18 years of age, his or her parent or guardian.

14 **SECTION 101.** 343.43 (2) of the statutes is amended to read:

15 343.43 (2) Whenever a license or identification card ~~which~~, or identification
16 certificate that appears to be altered is displayed to a law enforcement officer, agent
17 of the secretary or the court, that person shall take possession of the license or
18 identification card, or identification certificate and return it to the department for
19 cancellation. A notation of change of address properly endorsed on the license under
20 s. 343.22 shall not of itself be reason to consider the license altered.

21 **SECTION 102.** 343.50 (3) of the statutes is amended to read:

22 343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as
23 an operator's license but shall be of a design which is readily distinguishable from
24 the design of an operator's license and bear upon it the words "IDENTIFICATION
25 CARD ONLY". The information on the card shall be the same as specified under s.

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343.17 (3). The card may serve as a document of gift under s. 157.06 (2) (b) and (c) and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i). ~~The Except as provided in sub. (4g), the card shall contain the holder's photograph and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.~~

SECTION 103. 343.50 (3) of the statutes, as affected by 2007 Wisconsin Acts 20 and ^{2009 Wisconsin Act}.... (this act), is repealed and recreated to read:

Inset 59-8 → 343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as an operator's license but shall be of a design which is readily distinguishable from the design of an operator's license and bear upon it the words "IDENTIFICATION CARD ONLY." The information on the card shall be the same as specified under s. 343.17 (3). If the issuance of the card requires the applicant to present any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the card shall display, on the front side of the card, a legend identifying the card as temporary. The card shall contain physical security features consistent with any requirement under federal law. The card may serve as a document of gift under s. 157.06 (2) (b) and (c) and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i). The card shall contain the holder's photograph and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

SECTION 104. 343.50 (4) of the statutes, as affected by 2005 Wisconsin Act 126, is amended to read:

343.50 (4) APPLICATION. The application for an identification card shall include any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (em), and (er), and such further information as the department may reasonably require to

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1 enable it to determine whether the applicant is entitled by law to an identification
2 card. The Except as provided in sub. (4g), the department shall, as part of the
3 application process, take a photograph of the applicant to comply with sub. (3). No
4 Except as provided in sub. (4g), no application may be processed without the
5 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are
6 punishable as provided in s. 343.14 (9).

(7) **SECTION 105.** 343.50 (4) of the statutes, as affected by 2007 Wisconsin Acts 200⁹
(8) and ^{2009 Wisconsin Act} (this act), is repealed and recreated to read:

9 343.50 (4) APPLICATION. The application for an identification card shall include
10 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (em),
11 and (es), and such further information as the department may reasonably require to
12 enable it to determine whether the applicant is entitled by law to an identification
13 card. Except with respect to renewals described in s. 343.165 (4) (d), the department
14 shall, as part of the application process, take a digital photograph including facial
15 image capture of the applicant to comply with sub. (3). Except with respect to
16 renewals described in s. 343.165 (4) (d), no application may be processed without the
17 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are
18 punishable as provided in s. 343.14 (9).

19 **SECTION 106.** 343.50 (4g) of the statutes is created to read:

20 343.50 (4g) PHOTOGRAPH REQUIREMENT; EXCEPTION. An application may be
21 processed and an original or renewal identification card issued under this section
22 without a photograph being taken to comply with subs. (3) and (4) to an applicant
23 who requests the identification card without charge under sub. (5) or (6) and who
24 provides to the department an affidavit stating that the applicant has a sincerely
25 held religious belief against being photographed; identifying the religion to which he

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1 or she belongs or the tenets of which he or she adheres to; stating that the tenets of
2 the religion prohibit him or her from being photographed; and stating that he or she
3 requests the identification card for the purpose of voting. 9

4 **SECTION 107.** 343.50 (4g) of the statutes, as created by 2007 Wisconsin Act
5 (this act), is repealed.

6 **SECTION 108.** 343.50 (5) of the statutes, as affected by 2007 Wisconsin Act 20,
7 section 3380, is amended to read:

8 343.50 (5) VALID PERIOD; FEES. The fee for an original card and for the
9 reinstatement of an identification card after cancellation under sub. (10) shall be \$18
10 or, upon request of the applicant, without charge. The card shall be valid for the
11 succeeding period of 8 years from the applicant's next birthday after the date of
12 issuance, except that a card that is issued to a person who is not a United States
13 citizen and who provides documentary proof of legal status as provided under s.
14 343.14 (2) (er) shall expire on the date that the person's legal presence in the United
15 States is no longer authorized. If the documentary proof as provided under s. 343.14
16 (2) (er) does not state the date that the person's legal presence in the United States
17 is no longer authorized, then the card shall be valid for the succeeding period of 8
18 years from the applicant's next birthday after the date of issuance.

19 **SECTION 109.** 343.50 (5) of the statutes, as affected by 2007 Wisconsin Act 20,
20 section 3381, and 2007 Wisconsin Act (this act), is repealed and recreated to read:

21 343.50 (5) VALID PERIOD; FEES. (a) The fee for an original card, for renewal of
22 a card, and for the reinstatement of an identification card after cancellation under
23 sub. (10) shall be \$18.

24 (b) Except as provided in par. (c) and s. 343.165 (4) (c), an original or reinstated
25 card shall be valid for the succeeding period of 8 years from the applicant's next

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1 birthday after the date of issuance, and a renewed card shall be valid for the
2 succeeding period of 8 years from the card's last expiration date.

3 (c) Except as provided in s. 343.165 (4) (c) and as otherwise provided in this
4 paragraph, an identification card that is issued to a person who is not a United States
5 citizen and who provides documentary proof of legal status as provided under s.
6 343.14 (2) (es) shall expire on the date that the person's legal presence in the United
7 States is no longer authorized or on the expiration date determined under par. (b),
8 whichever date is earlier. If the documentary proof as provided under s. 343.14 (2)
9 (es) does not state the date that the person's legal presence in the United States is
10 no longer authorized, then the card shall be valid for the period specified in par. (b)
11 except that, if the card was issued or renewed based upon the person's presenting of
12 any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the card shall, subject
13 to s. 343.165 (4) (c), expire one year after the date of issuance or renewal.

14 **SECTION 110.** 343.50 (6) of the statutes, as affected by 2007 Wisconsin Act 20,

15 section 3384, is amended to read:

16 343.50 (6) RENEWAL. At least 30 days prior to the expiration of the card, the
17 department shall mail a renewal application to the last-known address of each
18 identification card holder. The department shall include with the application
19 information, as developed by all organ procurement organizations in cooperation
20 with the department, that promotes anatomical donations and which relates to the
21 anatomical donation opportunity available under s. 343.175. The fee for a renewal
22 identification card shall be \$18, which or, upon request of the identification card
23 holder, without charge. The renewal identification card shall be valid for 8 years,
24 except that a card that is issued to a person who is not a United States citizen and
25 who provides documentary proof of legal status as provided under s. 343.14 (2) (er)

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1 shall expire on the date that the person's legal presence in the United States is no
2 longer authorized. If the documentary proof as provided under s. 343.14 (2) (er) does
3 not state the date that the person's legal presence in the United States is no longer
4 authorized, then the card shall be valid for 8 years.

5 **SECTION 111.** 343.50 (6) of the statutes, as affected by 2007 Wisconsin Act 20,
6 section 3383, and 2007⁹ Wisconsin Act ... (this act), is repealed and recreated to read:

7 343.50 (6) RENEWAL NOTICE. At least 30 days prior to the expiration of an
8 identification card, the department shall mail a renewal application to the
9 last-known address of the card holder. If the card was issued or last renewed based
10 upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es)
11 4. to 7., the notice shall inform the card holder of the requirement under s. 343.165
12 (4) (c). The department shall include with the application information, as developed
13 by all organ procurement organizations in cooperation with the department, that
14 promotes anatomical donations and which relates to the anatomical donation
15 opportunity available under s. 343.175.

16 **SECTION 112.** 343.505 of the statutes is created to read:

17 **343.505 Identification certificates. (1) ISSUANCE.** (a) The department shall
18 issue, as provided in this section, identification certificates to eligible applicants
19 upon proper application and payment of all required fees.

20 (b) A person is eligible for an identification certificate under this section if the
21 person is at least 18 years of age, a resident of this state, and a citizen of the United
22 States.

23 **(2) APPLICATION.** (a) Every application to the department for an identification
24 certificate or for renewal of an identification certificate shall be made upon the
25 appropriate form furnished by the department and shall be accompanied by all

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1 required fees. The application for an identification certificate shall include all of the
2 following:

3 1. The full legal name and residence address of the applicant.

4 2. The applicant's date of birth, color of eyes, color of hair, sex, height, weight
5 and race.

6 3. a. Except as provided in subd. 3. b., the applicant's social security number.

7 b. If the applicant does not have a social security number, a statement made
8 or subscribed under oath or affirmation, on a form prescribed by the department,
9 that the applicant does not have a social security number. An identification
10 certificate issued or renewed in reliance on a statement submitted under this subd.

11 3. b. is invalid if the statement is false.

12 4. A statement as to whether the applicant holds any valid operator's license
13 or identification card issued by this state or any other jurisdiction.

14 5. A designation or reversal of a designation under s. 85.103 (2), if the applicant
15 chooses to make such designation or reversal.

16 6. Satisfactory proof of the applicant's name and date of birth.

17 7. Documentary proof that the applicant is a citizen of the United States. ✓

18 8. Such further information as the department may reasonably require to
19 enable it to identify the applicant and to determine whether the applicant is entitled
20 by law to an identification certificate.

21 (b) 1. Except as provided in subd 2., the department shall, as part of the
22 application process, take a photograph of the applicant, which shall appear on the
23 identification certificate as provided in sub. (3). Except as provided in subd. 2., no
24 application may be processed without the photograph being taken.

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1 2. An application for an identification certificate may be processed and an
2 original or renewal identification certificate issued under this section without a
3 photograph being taken if the applicant requests an identification certificate without
4 charge and provides to the department an affidavit stating that the applicant has a
5 sincerely held religious belief against being photographed; identifying the religion
6 to which he or she belongs or the tenets of which he or she adheres to; stating that
7 the tenets of the religion prohibit him or her from being photographed; and stating
8 that he or she requests the identification certificate for the purpose of voting.

9 (c) Names, addresses, and social security numbers obtained by the department
10 under this subsection shall be provided to the department of revenue for the purpose
11 of administering ss. 71.93 and 71.935 and state taxes. ✓

12 **(3) DESIGN AND CONTENTS OF IDENTIFICATION CERTIFICATES.** (a) Identification
13 certificates shall be the same size as an operator's license but shall be of a design that
14 is readily distinguishable from the design of operator's licenses and identification
15 cards. Each identification certificate shall bear upon it the words
16 "IDENTIFICATION CERTIFICATE." Identification certificates shall clearly state
17 on their face that they may not be accepted by any federal agency for federal
18 identification or any other official purpose and shall use a unique design or color
19 indicator to alert federal agency and other law enforcement personnel that they may
20 not be accepted for any such purpose.

21 (b) The front side of the identification certificate shall include all of the
22 following:

- 23 1. The full legal name, date of birth, and residence address of the person.
- 24 2. Except as provided in sub. (2) (b) 2., a color photograph of the person.

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1 3. A physical description of the person, including sex, height, weight and hair
2 and eye color, but excluding any mention of race.

3 4. The person's signature.

4 5. The name of this state.

5 6. A unique identifying identification certificate number assigned by the
6 department.

7 7. The date of issuance of the identification certificate.

8 8. The date of expiration of the identification certificate.

9 9. If the person has not attained the legal drinking age, as defined in s. 125.02
10 (8m), at the time of issuance of the identification certificate, a distinctive appearance
11 specified by the department that clearly identifies to the public that the person had
12 not attained the legal drinking age at the time of issuance of the identification
13 certificate.

14 **(4) VALID PERIOD; FEES.** (a) 1. Except as provided in subd. 3., the fee for an
15 original identification certificate, for renewal of an identification certificate, and for
16 reinstatement of an identification certificate after cancellation is \$18.

17 2. Except as provided in subd. 3., the fee for a duplicate identification certificate
18 is \$6.

19 3. If the applicant requests that the identification certificate be issued,
20 renewed, or reinstated, or a duplicate identification certificate be issued, without
21 charge, the department may not charge any fee for the identification certificate.

22 (b) An original or reinstated identification certificate shall be valid for the
23 succeeding period of 8 years from the applicant's next birthday after the date of
24 issuance, and a renewed identification certificate shall be valid for the succeeding
25 period of 8 years from the certificate's last expiration date.

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
1 (c) At least 30 days prior to the expiration of an identification certificate, the
2 department shall mail a renewal application to the last-known address of the
3 certificate holder.

4 **(5) RECORDS AND OTHER INFORMATION.** (a) The department shall maintain
5 records of all identification certificate holders under this section in a manner
6 prescribed by the department by rule.

7 (b) The department may not disclose any record or other information
8 concerning or relating to an applicant or identification certificate holder to any
9 person other than a court, district attorney, county corporation counsel, city, village
10 or town attorney, law enforcement agency, driver licensing agency of another
11 jurisdiction, or the applicant or identification certificate holder. Except for
12 photographs for which disclosure is authorized under s. 343.237, persons entitled to
13 receive any record or other information under this paragraph shall not disclose the
14 record or other information to other persons or agencies. This paragraph does not
15 prohibit the disclosure of a person's name or address, of the name or address of a
16 person's employer, or of financial information that relates to a person when
17 requested under s. 49.22 (2m) by the department of children and families or a county
18 child support agency under s. 59.53 (5).

19 **(6) CANCELLATION.** (a) The department shall cancel an identification certificate
20 under any of the following circumstances:

21 1. Whenever the department determines that the identification certificate was
22 issued upon an application that contains a false statement as to any material matter.

23 2. Whenever the department determines that an identification certificate has
24 been altered and returned for cancellation under s. 343.43 (2). 

BILL**SECTION 112**

1 (b) The department may order any person whose identification certificate has
2 been canceled to surrender the certificate to the department. The department may
3 take possession of any identification certificate required to be canceled or may direct
4 any traffic officer to take possession of the identification certificate and return it to
5 the department.

6 **(7) UNLAWFUL USE.** No person may do any of the following:

7 (a) Represent as valid any canceled, fictitious, or fraudulently altered
8 identification certificate.

9 (b) Sell or lend his or her identification certificate to any other person or
10 knowingly permit the use of his or her identification certificate by another.

11 (c) Represent as one's own, any identification certificate not issued to him or
12 her.

13 (d) Permit any unlawful use of an identification certificate issued to him or her.

14 (e) Reproduce by any means whatever an identification certificate.

15 (f) Deface or alter an identification certificate.

16 **(8) PENALTY.** Any person who fails to comply with an order under sub. (6) (b)
17 or who violates sub. (7) may be required to forfeit not more than \$1,000. ✓

18 **(9) RULES.** The department shall promulgate rules to administer and enforce
19 this section. Subject to subs. (2) and (3), these rules shall prescribe the form of the
20 application for an identification certificate and specify the form and contents of the
21 identification certificate. These rules shall also provide a procedure under which
22 identification certificates are generally issued over the counter to an applicant on the
23 same day that the department receives an application. The rules shall require the
24 design of identification certificates to be resistant to tampering and forgery. The
25 rules shall also incorporate the requirements under sub. (5) (a). The department

BILL**SECTION 112**

1 shall attempt to ensure that these rules become effective at the same time as the
2 provisions of this section other than this subsection.

3 **SECTION 113.** 756.04 (1) (b) of the statutes is amended to read:

4 756.04 (1) (b) "Department list" means a compilation of information prepared
5 by the department that includes the name, address, date of birth, race and gender
6 of each person who is licensed as a motor vehicle operator under ch. 343 or who has
7 received an identification card under s. 343.50 or 343.51 or an identification
8 certificate under s. 343.505.

9 **SECTION 114. Nonstatutory provisions.**

10 (1) In conjunction with the first regularly scheduled primary and election at
11 which the voter identification requirements of this act initially apply, the
12 government accountability board shall conduct a public informational campaign for
13 the purpose of informing prospective voters of the voter identification requirements
14 of this act.

15 **SECTION 115. Initial applicability.**

16 (1) IDENTIFICATION REQUIRED FOR VOTING. This act first applies with respect to
17 voting at the first spring or September primary election that follows the effective
18 date of this act by at least 60 days.

19 **SECTION 116. Effective dates.** This act takes effect on the day after
20 publication, except as follows:

21 (1) The treatment of sections 5.35 (6) (a) 4a. (by SECTION 3), 6.15 (2) (bm) (by
22 SECTION 5), and (d) 1g. (by SECTION 7) and (3) (by SECTION 10), 6.55 (2) (b) (by SECTION
23 16) and (c) 1. (by SECTION 18), 6.79 (2) (a) (by SECTION 22) and (d) (by SECTION 24), (3)
24 (title) (by SECTION 26) and (b) (by SECTION 29), and (6) (by SECTION 32), 6.82 (1) (a) (by
25 SECTION 35), 6.86 (1) (ar) (by SECTION 37) and (3) (a) 1. (by SECTION 39), 6.869 (by

BILL

SECTION 116

1 SECTION 12, 6.87 (4) (b) 1. (by SECTION 46), 2. (by SECTION 48), 3. (by SECTION 50), and
 2 5. (by SECTION 53), 6.875 (6) (c) 1. (by SECTION 61), 6.88 (3) (a) (by SECTION 64), 6.97
 3 (1) (by SECTION 67), (2) (by SECTION 69), and (3) (a) (by SECTION 72), (b) (by SECTION
 4 73), and (c) (by SECTION 75), 7.08 (1) (by SECTION 78), 7.52 (3) (a) (by SECTION 80),
 5 10.02 (3) (form) (a) (by SECTION 82), 85.103 (2), 125.085 (1), 134.71 (8) (a) 2., 139.30
 6 (4n), 343.19 (title) and (2) (intro.), 343.235 (title), 343.237 (title) and (6), 343.43 (2),
 7 and 756.04 (1) (b) of the statutes, the repeal of section 343.50 (4g) of the statutes, the
 8 repeal and recreation of sections 343.19 (1), 343.22 (2), (2m), and (3), 343.237 (2) and
 9 (3) (intro.), and 343.50 (3), (4), (5) and (6) of the statutes, and the creation of sections
 10 343.19 (2) (c) and 343.505 (1) to (8) of the statutes take effect on the day after
 11 publication or on the date on which the creation of section 343.165 of the statutes by
 12 2007 Wisconsin Act 20 takes effect, whichever is later.

(END)

343.50(5)(a) 1. (by ^{CS} SECTION *)

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 38-18/
 page 2

SENATE BILL 199

SECTION 9

WS 11-16:1

1 The form shall include a space for entry of the ward and aldermanic district, if any,
2 where the elector resides and any other information required to determine the offices
3 and referenda for which the elector is certified to vote. The form shall also include
4 a space where the clerk may record an indication of whether the form is received by
5 mail, a space where the clerk may record an indication of the type of identifying
6 document submitted by the elector as proof of residence under s. 6.34, whenever
7 required, and a space where the clerk, for any applicant who possesses a valid voting
8 identification card issued to the person under s. 6.47 (3), may record the
9 identification serial number appearing on the voting identification card. Each
10 county clerk shall obtain sufficient registration forms for completion by an elector
11 who desires to register to vote at the office of the county clerk under s. 6.28 (4).

12 **SECTION 10.** 6.33 (2) (b) of the statutes is amended to read:

13 6.33 (2) (b) Except as provided in s. 6.86 (3) (a) 2., the registration form shall
14 be signed by the registering elector and ~~any corroborating elector under s. 6.29 (2)~~
15 ~~(a) or 6.55 (2)~~ before the clerk, issuing officer or registration deputy. The form shall
16 contain a certification by the registering elector that all statements are true and
17 correct.

18 **SECTION 11.** 6.34 (2) of the statutes is amended to read:

19 6.34 (2) ~~Except as authorized in ss. 6.29 (2) (a) and 6.86 (3) (a) 2., upon~~ Upon
20 completion of a registration form prescribed under s. 6.33, each elector who is
21 required to register under s. 6.27, who is not a military elector or an overseas elector
22 and who registers after the close of registration under s. 6.29 or 6.86 (3) (a) 2., shall
23 provide an identifying document that establishes proof of residence under sub. (3).
24 Each elector who is required to register under s. 6.27 who is not a military elector or
25 an overseas elector who registers by mail, and who has not voted in an election in this

SENATE BILL 199

INS 11-16:2

1 state shall, if voting in person, provide an identifying document that establishes
2 proof of residence under sub. (3) or, if voting by absentee ballot, provide a copy of an
3 identifying document that establishes proof of residence under sub. (3). If the elector
4 registered by mail, the identifying document may not be a residential lease.

5 ~~SECTION 12. 6.55 (2) (b)~~ of the statutes is amended to read:

6 6.55 (2) (b) Upon executing the registration form under par. (a), except as
7 authorized under s. 6.79 (7), the elector shall be required by a special registration
8 deputy or inspector to present a valid operator's license issued to the elector under
9 ch. 343, a valid, current identification card issued to the elector by a U.S. uniformed
10 service, or a valid identification card issued to the elector under s. 343.50. If any
11 document presented is not proof of residence under s. 6.34, the elector shall also
12 provide proof of residence under s. 6.34. If the elector cannot provide proof of
13 residence, the information contained in the registration form shall be corroborated
14 in a statement that is signed by any elector who resides in the same municipality as
15 the registering elector and that contains the current street address of the
16 corroborating elector. The corroborator shall then provide proof of residence as
17 provided in s. 6.34. If the elector is registering to vote in the general election and the
18 elector presents a valid driver's license issued by another state, the inspector or
19 deputy shall record on a separate list the name and address of the elector, the name
20 of the state, and the license number and expiration date of the license. The signing
21 by the elector executing the registration form and by any corroborator shall be in the
22 presence of the special registration deputy or inspector who shall then print his or
23 her name on and sign the form, indicating that the deputy or inspector has accepted
24 the form. Upon compliance with this procedure, the elector shall be permitted to cast

- 15 -
FNS 22-18

1 The inspector shall distinctly announce that he or she has "a ballot offered by
2 (stating person's name), an elector who, as a result of disability, is unable to enter the
3 polling place without assistance". The inspector shall then ask, "Does anyone object
4 to the reception of this ballot?" If no objection is made, the inspectors shall record
5 the elector's name under s. 6.79 and deposit the ballot in the ballot box, and shall
6 make a notation on the poll list: "Ballot received at poll entrance"

7 ~~SECTION 24.~~ 6.86 (1) (ac) of the statutes is amended to read:

8 6.86 (1) (ac) Any elector qualifying under par. (a) may make written application
9 to the municipal clerk for an official ballot by means of facsimile transmission or
10 electronic mail. Any application under this paragraph shall contain a copy of the
11 applicant's original signature. An elector requesting a ballot under this paragraph
12 shall return with the voted ballot a copy of the request bearing an original signature
13 of the elector as provided in s. 6.87 (4) (b).

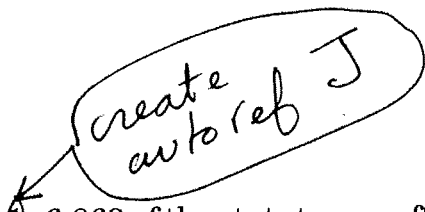
14 ~~SECTION 25.~~ 6.86 (1) (ar) of the statutes is amended to read:

15 6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not
16 issue an absentee ballot unless the clerk receives a written application therefor from
17 a qualified elector of the municipality. The clerk shall retain each absentee ballot
18 application until destruction is authorized under s. 7.23 (1). Except as authorized
19 in s. 6.79 (6) and (7), if an elector applies for an absentee ballot in person at the clerk's
20 office, the clerk shall not issue the elector an absentee ballot unless the elector
21 presents a valid operator's license issued to the elector under ch. 343, a valid, current
22 identification card issued to the elector by a U.S. uniformed service, or a valid
23 identification card issued to the elector under s. 343.50. The clerk shall make a copy
24 of the document presented by the elector and shall enclose the copy in the certificate
25 envelope.

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INS 25-21:


SECTION 1. 6.869 of the statutes, as affected by 2009 Wisconsin Act(this act),
is amended to read:

6.869 Uniform instructions. The board shall prescribe uniform instructions for absentee voters. The instructions shall include information concerning whether a copy of a license ~~or~~ identification card ^{or} identification certificate is required under s. 6.86 (1) (ar) or 6.87 (4) (b) and information concerning the procedure for correcting errors in marking a ballot and obtaining a replacement for a spoiled ballot. The procedure shall, to the extent possible, respect the privacy of each elector and preserve the confidentiality of each elector's vote.

History: 2003 a. 265.

ANS 36-9

Section #. 6.875 (6) (b) of the statutes is amended to read:

6.875(6) (b) The municipal clerk or executive director of the board of election commissioners shall issue a supply of absentee ballots to the deputies sufficient to provide for the number of valid applications for an absentee ballot received by the clerk, and a reasonable additional number of ballots. The deputies may exercise the authority granted to the chief inspector under s. 7.41 to regulate the conduct of observers. For purposes of the application of s. 7.41, the home [↓] ^{or complex} ~~or facility~~ shall be treated as a polling place. The municipal clerk or executive director shall keep a careful record of all ballots issued to the deputies and shall require the deputies to return every ballot issued to them.

History: 1985 a. 304; 1987 a. 391; 1989 a. 192; 1997 a. 127, 188, 237; 1999 a. 32, 182; 2001 a. 16, 109; 2005 a. 149, 451; 2007 a. 96.

382-17
INS 26-10

INS
38-16



Section #. 6.875 (6) (e) of the statutes is amended to read:

3

6.875 (6) (e) If a qualified elector is not able to cast his or her ballot on 2 separate visits by the deputies to the home or facility, ^{for complex} the deputies shall so inform the municipal clerk or executive director of the board of election commissioners, who may then send the ballot to the elector no later than 5 p.m. on the Friday preceding the election.

History: 1985 a. 304; 1987 a. 391; 1989 a. 192; 1997 a. 127, 188, 237; 1999 a. 32, 182; 2001 a. 16, 109; 2005 a. 149, 451; 2007 a. 96.



1 **SECTION 40.** 6.875 (7) of the statutes is amended to read:

2 6.875 (7) One observer from each of the 2 recognized political parties whose
3 candidate for governor or president received the greatest number of votes in the
4 municipality at the most recent general election may accompany the deputies to each
5 home or facility or complex where absentee voting will take place under this section.
6 The observers may observe the process of absentee ballot distribution in the common
7 areas of the home or facility or complex. Each party wishing to have an observer
8 present shall submit the name of the observer to the clerk or board of election
9 commissioners no later than the close of business on the last business day prior to
10 the visit.

11 ~~SECTION 41.~~ 6.88 (3) (a) of the statutes is amended to read:

12 6.88 (3) (a) Except in municipalities where absentee ballots are canvassed
13 under s. 7.52, at any time between the opening and closing of the polls on election day,
14 the inspectors shall, in the same room where votes are being cast, in such a manner
15 that members of the public can hear and see the procedures, open the carrier
16 envelope only, and announce the name of the absent elector or the identification
17 serial number of the absent elector if the elector has a confidential listing under s.
18 6.47 (2). When the inspectors find that the certification has been properly executed,
19 the applicant is a qualified elector of the ward or election district, and the applicant
20 has not voted in the election, they shall enter an indication on the poll list next to the
21 applicant's name indicating an absentee ballot is cast by the elector. They shall then
22 open the envelope containing the ballot in a manner so as not to deface or destroy the
23 certification thereon. The inspectors shall take out the ballot without unfolding it
24 or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95,
25 the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If

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INS 25-14:

and information

SECTION 1. 6.869 of the statutes is amended to read:

6.869 Uniform instructions. The board shall prescribe uniform instructions for absentee voters. The instructions shall include information concerning whether a copy of a license or identification card is required under s. 6.86 (1) (ar) or 6.87 (4) (b) concerning the procedure for correcting errors in marking a ballot and obtaining a replacement for a spoiled ballot. The procedure shall, to the extent possible, respect the privacy of each elector and preserve the confidentiality of each elector's vote.

History: 2003 a. 265.

INS 38-18:

SECTION 2. 6.88 (3) (a) of the statutes is amended to read:

6.88 (3) (a) Except in municipalities where absentee ballots are canvassed under s. 7.52, at any time between the opening and closing of the polls on election day, the inspectors shall, in the same room where votes are being cast, in such a manner that members of the public can hear and see the procedures, open the carrier envelope only, and announce the name of the absent elector or the identification serial number of the absent elector if the elector has a confidential listing under s. 6.47 (2). When the inspectors find that the certification has been properly executed, the applicant is a qualified elector of the ward or election district, and the applicant has not voted in the election, they shall enter an indication on the poll list next to the applicant's name indicating an absentee ballot is cast by the elector. They shall then open the envelope containing the ballot in a manner so as not to deface or destroy the certification thereon. The inspectors shall take out the ballot without unfolding it

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or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If the poll list indicates that proof of residence under s. 6.34 is required and no proof of residence is enclosed or the name or address on the document that is provided is not the same as the name and address shown on the poll list, or if the elector is not a military elector or an overseas elector, as defined in s. 6.34 (1), and the elector is required to provide a copy of a license or identification card under s. 6.86 (1) (a) and no copy of the license or identification card is enclosed or the name on the document cannot be verified by the inspectors, the inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall then deposit the ballot into the proper ballot box and enter the absent elector's name or voting number after his or her name on the poll list in the same manner as if the elector had been present and voted in person.

History: 1971 c. 304 s. 29 (2); 1973 c. 85, 199; 1977 c. 394 ss. 43, 53; 1979 c. 232, 260; 1983 a. 183, 484; 1987 a. 391; 1999 a. 49, 182; 2001 a. 38, 109; 2003 a. 265; 2005 a. 451.

SECTION 6. 6.88 (3) (a) of the statutes, as affected by 2009 Wisconsin Act(this act), is amended to read:

6.88 (3) (a) Except in municipalities where absentee ballots are canvassed under s. 7.52, at any time between the opening and closing of the polls on election day, the inspectors shall, in the same room where votes are being cast, in such a manner that members of the public can hear and see the procedures, open the carrier envelope only, and announce the name of the absent elector or the identification serial number of the absent elector if the elector has a confidential listing under s. 6.47 (2). When the inspectors find that the certification has been properly executed, the applicant is a qualified elector of the ward or election district, and the applicant has not voted in the election, they shall enter an indication on the poll list next to the applicant's name indicating an absentee ballot is cast by the elector. They shall then

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open the envelope containing the ballot in a manner so as not to deface or destroy the certification thereon. The inspectors shall take out the ballot without unfolding it or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If the poll list indicates that proof of residence under s. 6.34 is required and no proof of residence is enclosed or the name or address on the document that is provided is not the same as the name and address shown on the poll list, or if the elector is not a military elector or an overseas elector, as defined in s. 6.34 (1), and the elector is required to provide ^{or to provide} a copy of ^{or 6.87(4)(b) 1.} a license ~~or~~ identification card ^{or} identification certificate under s. 6.86 (1) (a) ^{or} and no copy of the license ~~or~~ identification card ^{or} identification certificate is enclosed or the name on the document cannot be verified by the inspectors, the inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall then deposit the ballot into the proper ballot box and enter the absent elector's name or voting number after his or her name on the poll list in the same manner as if the elector had been present and voted in person.

History: 1971 c. 304 s. 29 (2); 1975 c. 85, 199; 1977 c. 394 ss. 43, 53; 1979 c. 232, 260; 1983 a. 183, 484; 1987 a. 391; 1999 a. 49, 182; 2001 a. 38, 109; 2003 a. 265; 2005 a. 451.

1 into the agreement and shall retain the agreement and statement in its office for
2 inspection.

NOTE: Section 19.535 was repealed by 2007 Wis. Act 1.

3 **SECTION 2.** The treatment of 6.47 (1) (b) of the statutes by 2005 Wisconsin Act
4 277 is not repealed by 2005 Wisconsin Act 278. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference
bureau s. 6.47 (1) (b) reads:

(b) "Offense relating to domestic abuse, sexual assault, or stalking" means an
offense specified in s. 940.19, 940.20 (1m), 940.201, 940.22, 940.225, 940.32, 947.013,
948.02, 948.025, 948.06, 948.085, 948.09, or 948.095.

5 **SECTION 3.** 6.47 (8) (d) of the statutes is repealed.

NOTE: Section 6.47 (8) (d) provides that the municipal clerk shall provide access
to names and addresses on voter lists to clerks of circuit court for the purpose of creating
master jury lists under s. 756.04 (5) (a). Supreme Court Order 08-01 repealed s. 756.04
(5) (a) rendering s. 6.47 (8) (d) without effect.

6 **SECTION 4.** 6.97 (title) of the statutes is amended to read:

7 **6.97 (title) Voting procedure for individuals not providing required**

8 ~~identification~~ ^{no scoring} **proof of residence**

or identification (B) ✓

NOTE: Conforms title to text of section. 2005 Wis. Act 451 amended s. 6.97, stats.,
to substitute "proof of residence" for "identification."

9 **SECTION 5.** 7.37 (13) of the statutes is amended to read:

10 **7.37 (13) CLOSING OF POLLS.** For each polling place, the municipal clerk shall
11 designate an official of the municipality who shall position himself or herself at the
12 end of the line of individuals waiting to vote, if any, at the time that the polls officially
13 close. The official may be an inspector or special registration deputy appointed under
14 s. 6.55 (6) who serves at that polling place, an employee of the municipal clerk or a
15 police officer. Only individuals in line ahead of the official shall be permitted to vote
16 under s. 6.78 (4).

NOTE: Corrects punctuation. The corrected text is printed in the 2007-08 Statutes.

17 **SECTION 6.** 10.62 (intro.) of the statutes is amended to read:

ANS 34-16
53-9

Section #. 12.03 (2) (b) 3. of the statutes is amended to read:

12.03 (2) (b) 3. No person may engage in electioneering within 100 feet of an entrance to or ~~within a nursing home or qualified retirement home or community-based residential facility while~~ ^{qualified residential care apartment complex or qualified adult family home} special voting deputies ^{strike} are present at the home or facility. ^{strike}

History: 1973 c. 334; 1977 c. 427; 1979 c. 89; 1983 a. 484; 1993 a. 173; 2005 a. 451.

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INSERT 54-4:

SECTION 1. 125.085 (1) (f) of the statutes is created to read:

125.085 (1) (f) An identification certificate issued under s. 343.505.

INSERT 58-22:

SECTION 2. 343.50 (3) of the statutes is amended to read:

343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as an operator's license but shall be of a design which is readily distinguishable from the design of an operator's license and bear upon it the words "IDENTIFICATION CARD ONLY". The information on the card shall be the same as specified under s. 343.17 (3). The card may serve as a record of gift under s. 157.06 (2) (t) and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may also serve as a record of refusal under s. 157.06 (2) (u). The Except as provided in sub. (4g), the card shall contain the holder's photograph and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

NOTE: NOTE: Sub. (3) is amended eff. the date stated in the notice provided by the secretary of transportation and published in the Wisconsin Administrative Register under section 85.515 (2) (b) of the statutes by 2007 Wis. Act 20 and is merged with the treatment by 2007 Wis. Act 106 by the legislative reference bureau under s. 13.92 (2) (i) to read:NOTE:

(3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as an operator's license but shall be of a design which is readily distinguishable from the design of an operator's license and bear upon it the words "IDENTIFICATION CARD ONLY." The information on the card shall be the same as specified under s. 343.17 (3). If the issuance of the card requires the applicant to present any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the card shall display, on the front side of the card, a legend identifying the card as temporary. The card shall contain physical security features consistent with any requirement under federal law. The card may serve as a record of gift under s. 157.06 (2) (t) and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may also serve as a record of refusal under s. 157.06 (2) (u). The card shall contain the holder's photograph and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

History: 1977 c. 360, 447; 1979 c. 226, 306; 1981 c. 20 s. 1848r; 1985 a. 29, 98; 1987 a. 27, 304; 1989 a. 105, 294, 298; 1991 a. 86, 269; 1995 a. 446; 1997 a. 27, 119, 191; 1999 a. 9, 32, 80, 85, 88, 186; 2001 a. 93; 2003 a. 33; 2005 a. 126; 2007 a. 20 ss. 3374 to 3390, 9121 (6) (a); 2007 a. 106; 2009 a. 28; s. 13.92 (2) (i).

INSERT 59-8:

343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as an operator's license but shall be of a design which is readily distinguishable from the design of an operator's license and bear upon it the words "IDENTIFICATION

CARD ONLY.” The information on the card shall be the same as specified under s. 343.17 (3). If the issuance of the card requires the applicant to present any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the card shall display, on the front side of the card, a legend identifying the card as temporary. The card shall contain physical security features consistent with any requirement under federal law. The card may serve as a record of gift under s. 157.06 (2) (t) and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may also serve as a record of refusal under s. 157.06 (2) (u). The card shall contain the holder’s photograph and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

INSERT 61-6:

SECTION 3. 343.50 (5) (a) 1. of the statutes, as affected by 2009 Wisconsin Act 28, section 2957, is amended to read:

343.50 (5) (a) 1. Except as provided in subd. 2., the fee for an original card and for the reinstatement of an identification card after cancellation under sub. (10) shall be \$18 or, upon request of the applicant, without charge.

History: 1977 c. 360, 447; 1979 c. 226, 306; 1981 c. 20 s. 1848r; 1985 a. 29, 98; 1987 a. 27, 304; 1989 a. 105, 294, 298; 1991 a. 86, 269; 1995 a. 446; 1997 a. 27, 119, 191; 1999 a. 9, 32, 80, 85, 88, 186; 2001 a. 13; 2003 a. 33; 2005 a. 126; 2007 a. 20 ss. 3374 to 3390, 9121 (6) (a); 2007 a. 106; 2009 a. 28; s. 13.92 (2) (i).

SECTION 4. 343.50 (5) (a) 1. of the statutes, as affected by 2009 Wisconsin Act 28, section 2958, and 2009 Wisconsin Act... (this act), is amended to read:

343.50 (5) (a) 1. Except as provided in subd. 2., the fee for an original card, for renewal of a card, and for the reinstatement of an identification card after cancellation under sub. (10) shall be \$18.

Fix component
create whole X

repealed and
recreated

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

-4500 /ldm
LRB-2059/2dm
ARG/JTK:cjs:rs

January 22, 2008

ATTN: Michael Pyritz

Created s. 343.505 (1) (b) includes the primary requirements for being a qualified elector, but not all of the requirements. I chose not to have the eligibility requirements for an identification certificate exactly duplicate all voting eligibility requirements because this would place a much more onerous burden on DOT and put the state transportation agency in the position of having to be an expert in state voting laws. The requirements under s. 343.505 (1) (b) are the heart of the voter eligibility requirements and it would be impossible for issuance of the identification certificate to take into account voting districts.

In an effort to maximize the likelihood that this legislation will be viewed as compliant with the federal REAL ID Act, I have repeated in created s. 343.505 (3) (a) portions of the federal REAL ID Act language.

There are important differences between identification certificates and identification cards under this bill. After the provisions of the federal REAL ID Act are implemented through Act 20, there will theoretically be more stringent standards for obtaining an identification card. Accordingly, I have not treated the two forms of identification identically throughout the statutes. That is, there are some statutes not treated in this bill where I determined it was not appropriate to add in "identification certificate" where there is an existing treatment for identification cards.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6326
E-mail: aaron.gary@legis.wisconsin.gov

Representative Stone: ✓

1. Because this draft, in proposed s. 343.505 (1) (b), potentially permits any resident citizen who is at least 18 years of age to obtain an identification certificate, the draft will enable some individuals, such as convicted felons whose voting rights have not

been restored, to obtain a certificate, and will also preclude some individuals, such as former residents who do not vote in another state and who may qualify to vote here, from obtaining a certificate. To dovetail the requirements for obtaining a certificate with the requirements for voting would require both changing the draft as well as cross training of DOT personnel to properly determine voting qualifications. We have not taken that step in this draft. Please let us know if you would like to see this treatment changed.

2. In proposed s. 343.505 (4) (a) 1., a fee of \$18 is imposed for obtaining an identification certificate unless an applicant requests that the fee be waived. [This is the same fee that applicants for Wisconsin identification cards currently pay.] Because, as we understand it, the certificates will be used primarily for voting purposes, you may wish to ~~simply~~ issue the certificates without charge as a matter of course.

3. In proposed s. 343.505 (2) (a), this draft creates requirements for an applicant to obtain an identification certificate that extend beyond the requirements for voter registration under s. 6.33 (1), stats. While these requirements parallel many of the requirements for obtaining a Wisconsin identification card and they do not incorporate any of the federal "Real ID" requirements that we recently enacted, if the certificates are to be used primarily for voting purposes, you may wish to consider simplifying the requirements.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

-4500 /ldn
LRB-107471dn
JTK&ARG:cjs:ph

March 12, 2005

Senator Leibham:

1. The 2005 Legislature made extensive changes in registration and voting laws. As a result, approximately 80 percent of the text of this draft is different than the text of 2005 Assembly Bill 63 and 2005 Senate Bill 42, upon which this draft is based. The substance of those bills is, however, preserved in this draft.

4. 2. Voter photo ID laws have recently been enacted in at least seven states. These laws all contain different requirements and exemptions and none is substantially identical to this draft. There has been litigation in both state and federal courts regarding various issues pertaining to these laws. Some are constitutional issues unique to particular states, some are federal constitutional issues, and some are issues arising under federal law. The courts have not agreed regarding the validity of these laws. In *Crawford v. Marion County Election Board*, 128 S. Ct. 1610 (2008), the U.S. Supreme Court sustained an Indiana voter photo identification law against a federal equal protection challenge because the court found that the state's interest in election modernization, prevention of voter fraud, and promoting public confidence in the integrity of the electoral process outweighed the limited burden upon voters' rights. In this state, the Wisconsin Constitution, article III, section 1, prescribes the qualifications for voting. The courts have held that election laws may implement and interpret these qualifications, but may not restrict eligibility. To be sustained, the courts must conclude that the requirements imposed under this draft simply constitute a reasonable method of verifying eligibility, as opposed to creating a new eligibility requirement. See *State ex rel. Barber v. Circuit Court*, 178 Wis. 468, 476 (1922).

5. 3. It is possible that, if enacted, this draft may activate certain requirements under the National Voter Registration Act from which this state is currently exempt. Primarily, these requirements include voter registration simultaneously with motor vehicle driver's license applications and renewals, voter registration at any office that provides public assistance, voter registration at any office that primarily provides state-funded services to persons with disabilities, and voter registration at armed forces recruiting offices. This act exempts any state which, since May 20, 1993, has continuously permitted all voters in federal elections to "...register to vote at the polling place at the time of voting." 42 USC 1973gg-2 (b) (2). The Help America Vote Act also contains a provisional balloting procedure for all electors who vote at polling places in elections for federal office whenever their ballots are not accepted, but states that are

exempt from compliance with the National Voter Registration Act under 42 USC 1973gg-2 (b) are not covered by this procedure. Because this draft will preclude some persons from registering and voting on election day if the persons have no acceptable ID and are unable to obtain them from a government office before the close of the polls, it could be interpreted to make these federal exemptions inapplicable. You may want to consider allowing these persons, only for the applicable election, to establish their identity by corroboration or to provide some type of statement certifying their identity and residence.

4. The photograph on a Wisconsin driver's license may be up to eight years old. See s. 343.14 (3). There is also no requirement that the address appearing on the license be the person's current address. If a licensee moves, a licensee may notify DOT, which then enters the new address in its database, and a licensee may elect not to obtain a new license document with the new address on it. See s. 343.22 (2) (b). ~~This combination of factors could conceivably create confusion for poll workers.~~

5. ~~Wisconsin adopted provisions of the federal REAL ID Act in the 2007 biennial budget act (Act 20), although these provisions have not become effective and do not become effective until DOT is ready to complete full implementation of the federal REAL ID Act in this state. The federal REAL ID Act prohibits the issuance of a driver's license or identification card without a photograph. Accordingly, I have prepared the attached draft so that an identification card may be issued without a photograph only until DOT implements the REAL ID Act provisions. The federal REAL ID Act also requires states adopting the REAL ID Act provisions to follow a strict identification and security protocol in issuing drivers' licenses and identification cards, the result of which will make it harder for some residents to obtain drivers' licenses and identification cards.~~

6. Under existing law, a person may not obtain an identification card if the person has been issued a driver's license. See s. 343.50 (2). Under a variety of situations, a person may have a driver's license seized by a law enforcement officer or a court. The attached draft includes provisions designed to mitigate the voting disruption if a person's driver's license is seized by a law enforcement officer or a court shortly before an election. However, no similar provision is included for a person who simply cannot locate his or her driver's license or identification card or whose driver's license or identification card is retained in circumstances recognized under s. 125.039, stats.


7. Because U.S. Constitution, article XXIV, prohibits any tax imposed upon voting in national elections, this draft permits an elector to obtain a Wisconsin identification card without charge for use in meeting the voting eligibility requirement established

JTK


DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4500/P1dnAG

ARG:.....



This is a redraft of 2007 LRB-2059/2. You may wish to consult my drafter's note for that draft with regard to my general drafting approach. The most significant change in law related to this draft since 2007 LRB-2059/2 was prepared occurs in 2009 Wisconsin Act 103. Certain provisions of Act 103 remove the authority for Wisconsin law enforcement officers to seize driver's licenses. It may still be the practice in other states, however, to seize driver's licenses for certain traffic offenses in those states. For this reason, I have not modified created ss. 6.79 (7), 6.87 (4) (b) 4., and 6.965 in this draft, although the justification for these provisions is weaker after Act 103 than it was in 2007.



Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4500/1dn
JTK&ARG:cjs:jf

March 22, 2010

Representative Stone:

1. Because this draft, in proposed s. 343.505 (1) (b), potentially permits any resident citizen who is at least 18 years of age to obtain an identification certificate, the draft will enable some individuals, such as convicted felons whose voting rights have not been restored, to obtain a certificate, and will also preclude some individuals, such as former residents who do not vote in another state and who may qualify to vote here, from obtaining a certificate. To dovetail the requirements for obtaining a certificate with the requirements for voting would require both changing the draft as well as cross training of DOT personnel to properly determine voting qualifications. We have not taken that step in this draft. Please let us know if you would like to see this treatment changed.
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Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

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draft, although the justification for these provisions is weaker after Act 103 than it was in 2007.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Gary, Aaron

From: Gary, Aaron
Sent: Wednesday, March 24, 2010 9:18 AM
To: Kuesel, Jeffery
Subject: LRB-4500

Jeff,

You advised that the requester wanted to make two changes to the draft.

1. Syncing identification certificate eligibility with voter registration requirements. I used the changes you made and completed this item by making corresponding changes in other locations.
2. Providing for waiver of identification certificate fee upon request. This item is already included in the /1 draft, so no changes were necessary.

The draft is now in editing.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

03/24/2010